



#9 DAC
34586 (070050.1668)
PATENT *BK Se*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fisher *et al.*
Serial No. : 09/648,310
Filed : August 25, 2000
For : PROGRESSION SUPPRESSED GENE 13 (PSGen-13) AND USES THEREOF
Examiner : Davis, N.
Group Art Unit: 1642

**PETITION TO REVIVE APPLICATION
PURSUANT TO 37 C.F.R. § 1.137(b)**

RECEIVED
JUL 08 2002
OFFICE OF PETITIONS

I hereby certify that this paper is being deposited on June 25, 2002 with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

June 25, 2002
Date of Deposit

Lisa B. Kole
Attorney Name
[Signature]
Signature

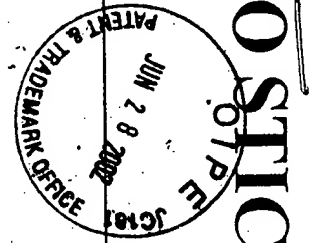
35,225
PTO Registration No.

June 25, 2002
Date of Signature

Assistant Commissioner for Patents
BOX PETITION
Washington, D.C. 20231

Sir:

As set forth in a Notice of Abandonment mailed April 15, 2002, the above-identified patent application is considered abandoned for failure to reply to a letter mailed by the Patent Office on July 23, 2001. Applicants respectfully petition to revive the patent application in accordance with the provisions of 37 U.S.C. §1.137(b) as the abandonment was unintentional, and enclose herewith the required response and fee, as discussed below.



08/2002 AWONDAF1 00000059 024377 09648310

FC:241 20.00 CH 620.00 DP

NY02:380587.1

A Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures ("the Notice") regarding the above-identified patent application was mailed by the Patent Office on July 23, 2001. When the Notice should have been received by then-counsel for Applicants, this file was in the process of being transferred to Baker Botts, L.L.P, the current attorneys of record. Attorneys at Baker Botts were not provided with the Notice. Accordingly, it was unrecognized that a response was due until the Examiner phoned Lisa Kole, an Attorney for Applicant, on April 9, 2002, informing Applicants that the case had gone abandoned.

The entire delay in responding to the Notice to File Missing Parts was unintentional. Attorneys for Applicant were unaware of the existence of the Notice until Attorney for Applicant Kole received a telephone call from Examiner Davis on April 9, 2002 and subsequently the copy of the Notice was sent by facsimile transmission on April 10, 2002.

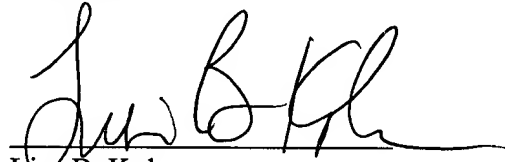
Accompanying this letter are: (1) a Response to Notice and Amendment providing amendments which put the application in compliance with the rules regarding nucleic acid and amino acid sequences, (2) paper and computer-readable copies of the required Sequence Listing, (3) the required fee for the Petition under 37 U.S.C. §1.17(m) in the amount of \$620.00, and (4) a Revocation and Power of Attorney appointing attorneys of Baker Botts L.L.P. as Attorneys for Applicants; a Terminal Disclaimer is not required, since this application was filed after June 8, 1995.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 02-4377. Two copies of this communication are enclosed.

Applicants respectfully request (i) that this petition to revive the above-captioned application in accordance with 37 U.S.C. §1.137 be granted, (ii) that the revived application be accorded the benefit of the August 25, 2000 filing date of the original application, and (iii) that the revived application be allowed to continue prosecution.

Respectfully submitted,

BAKER BOTTS L. L. P.



Lisa B. Kole

Patent Office Reg. No. 35,225

Anthony Giaccio

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Dated: June 25, 2002

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